

### **REMARKS**

The Examiner objected to the abstract because it used legal phraseology such as “comprises”. The abstract has now been corrected to eliminate the term “comprises” and replaced it with “includes”.

Claim 11 was rejected under 35 USC 112, first paragraph as failing to comply with the in description requirement. The Examiner states that with regard to claim 11, neither the specification nor the drawing provide support for the plate 28 being pivotally mounted on the discharge conveyor. Claim 11 has now been cancelled.

Claims 1, 2, 6-10, 12-14 and 16 were rejected under 35 USC 102b as being anticipated by Okuya (U.S. Patent No. 6,145,768). The Okuya prior art includes a “stopper” (see reference numeral 44 in Fig 8A). However, this is not functionally equivalent to the deflector plate now required by claim 1. Also, the stopper in the Okuya reference has a normal operating position in which it extends transversely across the outlet of the crushing chamber to “stop” material from falling out of the crushing chamber. Therefore, stopper 44 is not “angled downwards” in its normal operating position, nor is it intended for deflecting objects which pass through the outlet. Furthermore, while it is conceded that the stopper 44 can pivot downwards from its normal operating position to an open position, it is neither illustrated nor described as being capable of upwards movement relative to its normal operating position, and so does not have a bending position within the meaning of claim 1.

It is believed that the above distinctions render both claims 1 and 16 allowable. Inasmuch that independent claim 1 and 16 are allowable, claims 2-10 and 12-15 are also believed to be allowable.

This amendment should place this case in condition for passing to issue. Such action is requested. If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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